

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | |
|--|--------------------------|
| Applicant(s): Hubbard, et al. | |
| Application No.: 10/605,862 | Group Art Unit: 1743 |
| Filed: 10/31/2003 | Examiner: Lyle Alexander |
| Title: Tagging Material for Polymers, Methods, and Articles Made Thereby | Confirmation No: 2861 |
| Attorney Docket No.: GEPL.P-092 | |
| Customer No.: 43247 | |

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Response

Dear Sir:

This paper is filed in response to the office action mailed in this case on September 25, 2007.

Applicants note that they are filing herewith a Petition to the Director asking for the review and the withdrawal of the Examiner's maintained restriction requirement.

The Examiner indicates that claims 24-68 are rejected on the ground of obviousness-type double patenting in view of four granted US patents. Applicants herewith file a terminal disclaimer disclaiming the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term and any patent term adjustment of prior US Patent Nos. 7,094,364, 7,169,615, 7,175,086, and 7,250,612. Applicants request that the Examiner's rejection of the present application under obviousness-

Appln No.: 10/605,862

Response to Office Action Dated: December 18, 2007

type double patenting in view of the cited US patents be withdrawn.

The Examiner rejects claims 24-68 under 102(e) as being anticipated by Hubbard (US 6,514,617). The '617 patent is not a reference that is available under 102(e) because it is not the work of another. The '617 patent granted on February 4, 2003 which was less than one year prior to the filing date of the present application. The '617 patent also lists the same Inventors as the present application (i.e. Steven Hubbard, Radislav Potyrailo, Philippe Schottland, and Verghese Thomas). As such, Applicants file herewith a terminal disclaimer disclaiming the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term and any patent term adjustment of prior US Patent No. 6,514,617. Therefore, the rejection of the claims under 102(e) in view of Hubbard should now be withdrawn. Next, Applicants note that a reissue application of US Patent No. 6,514,617 discussed above has been filed and it is pending (i.e. US Patent Application Serial No. 10/738,702).

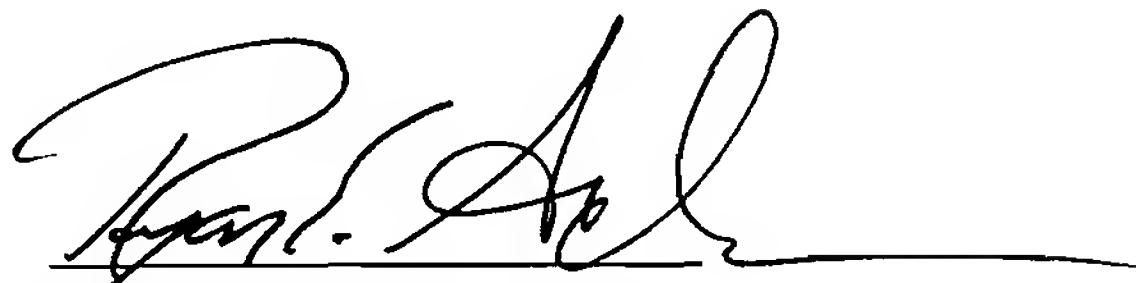
Lastly, the Examiner provisionally rejects claims 24-68 under obviousness-type double patenting in view of seven US patent applications (US Patent Application Serial Nos. 10/605862, 10/957,518, 10/723,810, 10/889,913, 11/238,029, 11/238,188, and 11/559,147). First, Applicants note that the first cited application and the present application have the same serial number. Applicants further note that none of these applications have granted as US patents. Since the present application is now in form for allowance, Applicants request that the provisional rejection be withdrawn and the present case be allowed to issue.

Appln No.: 10/605,862

Response to Office Action Dated: December 18, 2007

In view of the foregoing remarks, Applicants submit that this application is in form for allowance and such action is earnestly solicited.

Respectfully submitted,



Marina T. Larson Ph.D.
PTO Reg. No. 32,038

Ryan E. Anderson
PTO Reg. No. 51,405
Attorney for Applicant
(970) 262 1800